

NO. CV24-09-734

**IN THE MATTER OF
THE MARRIAGE OF**

**CHRIS MCCARTHY
AND
DARCY GUSSE**

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§
§

**IN THE COUNTY
COURT AT LAW #2
WISE COUNTY, TEXAS**

ORIGINAL PETITION FOR DIVORCE

1. Discovery Level

Discovery in this case is intended to be conducted under level 2 of rule 190 of the Texas Rules of Civil Procedure.

2. Parties

This suit is brought by Chris McCarthy, Petitioner. The last three numbers of Chris McCarthy's driver's license number are 269. The last three numbers of Chris McCarthy's Social Security number are 172.

Darcy Gusse is Respondent.

3. Domicile

Petitioner has been a domiciliary of Texas for the preceding six-month period and a resident of this county for the preceding ninety-day period.

4. Service

Process should be served on Respondent at 157 CR 1380, Alvord, Texas or wherever Respondent may be found.

5. Protective Order Statement

No protective order under title 4 of the Texas Family Code, protective order under subchapter A of chapter 7B of the Texas Code of Criminal Procedure, or order for emergency protection under Article 17.292 of the Texas Code of Criminal Procedure is in effect in regard to a party to this suit and no application for any such order is pending.

6. Dates of Marriage and Separation

The parties were married on or about 2017 and ceased to live together as spouses on or about 31 March 2024.

7. Grounds for Divorce

The marriage has become insupportable because of discord or conflict of personalities between Petitioner and Respondent that destroys the legitimate ends of the marriage relationship and prevents any reasonable expectation of reconciliation.

8. *Children of the Marriage*

There is no child born or adopted of this marriage, and none is expected.

9. *Division of Community Property*

Petitioner believes Petitioner and Respondent will enter into an agreement for the division of their estate. If such an agreement is made, Petitioner requests the Court to approve the agreement and divide their estate in a manner consistent with the agreement. If such an agreement is not made, Petitioner requests the Court to divide their estate in a manner that the Court deems just and right, as provided by law.

10. *Separate Property*

Petitioner owns certain separate property that is not part of the community estate of the parties, and Petitioner requests the Court to confirm that separate property as Petitioner's separate property and estate.

11. *Reimbursement*

Petitioner requests the Court to reimburse the community estate for debts, liabilities or expenses conferred by the community estate for the benefit of Respondent's separate estate. The community estate has not been adequately compensated for the debts, liabilities, or expenses in significant amounts that in equity and good conscience should have been paid by the Respondent's separate estate. Failure by the Court to allow reimbursement to the community estate will result in an unjust enrichment of Respondent's separate estate at the expense of the community estate.

Petitioner requests the Court to reimburse Petitioner's separate estate for debts, liabilities or expenses conferred by Petitioner's separate estate for the benefit of the community estate. Petitioner's separate estate has not been adequately compensated for the debts, liabilities, or expenses in significant amounts that in equity and good conscience should have been paid by the community estate. Failure by the Court to allow reimbursement to Petitioner's separate estate will result in an unjust enrichment of the community estate at the expense of Petitioner's separate estate.

Petitioner has used property from Petitioner's separate estate to make improvements benefiting the community estate real property which has resulted in an enhancement to the value of the community estate in significant amounts. Petitioner's separate estate has not been adequately compensated for or benefited from the increased value of the community estate real property. Failure by the Court to allow reimbursement to Petitioner's separate estate will result in an unjust enrichment of the community estate at the expense of Petitioner's separate estate.

Petitioner requests the Court to reimburse the community estate for the value of community time, toil, talent, and effort expended by Petitioner to benefit or enhance Respondent's separate estate. The community estate was not adequately compensated for Petitioner's use of community time, talent, toil, and effort beyond what was reasonably necessary to manage and preserve Respondent's separate estate which would be valued in a significant amount. The failure of the Court to allow and award such reimbursement to the community estate will result in the unjust enrichment of Respondent's separate estate at the expense of the community estate.

12. Request for Temporary Orders and Injunction

Petitioner requests the Court, after notice and hearing, to dispense with the issuance of a bond, to make temporary orders and issue any appropriate temporary injunctions for the preservation of the property and protection of the parties as deemed necessary and equitable. Petitioner requests that the Court enjoin Respondent from the following:

1. Communicating with Petitioner in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, in vulgar, profane, obscene, or indecent language or in a coarse or offensive manner.
2. Threatening Petitioner in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person.
3. Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.
4. Falsifying any writing or record, including an electronic record, relating to the property of either party.
5. Misrepresenting or refusing to disclose to Petitioner or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.
6. Damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.
7. Tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss to Petitioner.
8. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of one or both of the parties, whether personal property, real property, or intellectual property, and whether separate or community property, except as specifically authorized by order of this Court.
9. Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by order of this Court.
10. Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by order of this Court.
11. Spending any money in either party's possession or subject to either party's control for any purpose, except as specifically authorized by order of this Court.
12. Withdrawing, transferring, assigning, encumbering, selling, or in any other manner alienating any funds or assets held in any brokerage account, mutual fund account, or investment account by one or both parties, regardless of whether the funds or assets are community or separate property and whether the accounts are self-managed or managed by a third party, except as specifically authorized by order of this Court.
13. Withdrawing or borrowing in any manner all or any part of the cash surrender value of any life insurance policy on the life of either party, except as specifically authorized by order of this Court.
14. Entering any safe-deposit box in the name of or subject to the control of one or both of the parties, whether individually or jointly with others.

15. Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time this suit was filed of, any life, casualty, automobile, or health insurance policy insuring the parties' property or persons.
16. Opening or diverting mail or email or any other electronic communication addressed to Petitioner.
17. Signing or endorsing Petitioner's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to Petitioner without the personal signature of Petitioner.
18. Taking any action to terminate or limit credit or charge cards in the name of Petitioner or his business.
19. Destroying, disposing of, or altering any financial records of the parties, including but not limited to a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement.
20. Destroying, disposing of, or altering any email, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage or in another electronic storage medium.
21. Modifying, changing, or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.
22. Deleting any data or content from any social network profile used or created by either party.
23. Using any password or personal identification number to gain access to Petitioner's email account, bank account, social media account, or any other electronic account; or that of his business(es).
24. Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or any other contractual service, including security, pest control, landscaping, or yard maintenance, at or near the parties' business or marital residence or in any manner attempting to withdraw any deposits for service in connection with any of those services.
25. Excluding Petitioner from the use and enjoyment of the residence located at or near the parties' business or typical residence.
26. Entering, operating, or exercising control over any motor vehicle in the possession or typical use of Petitioner.
27. Tracking or monitoring personal property or a motor vehicle in the possession of Petitioner, without Petitioner's effective consent, including by using a tracking application on a personal electronic device in the possession of Petitioner, using a tracking device, or physically following Petitioner or causing another to physically follow Petitioner.

Petitioner requests that Respondent be authorized only as follows:

1. To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.

2. To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

13. *Request for Temporary Orders Concerning Use of Property*

Petitioner requests the Court, after notice and hearing, for the preservation of the property and protection of the parties, to make temporary orders and issue any appropriate temporary injunctions respecting the temporary use of the parties' property as deemed necessary and equitable, including but not limited to the following:

1. Awarding Petitioner exclusive use and control of the motor vehicle he regularly uses and enjoining Respondent from entering, operating, or exercising control over it.
2. Awarding Petitioner the exclusive use of the business and marital property and enjoining Respondent from exercising possession or control of any of this property, except by agreement or in the normal course of typical business transactions.

14. *Request for Temporary Orders for Discovery and Ancillary Relief*

Petitioner requests the Court, after notice and hearing, for the preservation of the property and protection of the parties, to make temporary orders for discovery and ancillary relief as deemed necessary and equitable, including but not limited to the following:

1. Ordering Respondent to provide a sworn inventory and appraisal of all the separate and community property owned or claimed by the parties and all debts and liabilities owed by the parties substantially in the form and detail prescribed by the current edition of *Texas Family Law Practice Manual*, form 7-1.
2. Ordering Respondent to produce copies of all the information necessary to prepare Petitioner's tax return for tax year 2023, including tax returns and all supporting schedules for tax year 2022, by a date certain.
3. Ordering the parties to participate in an alternative dispute resolution process before trial of this matter.
4. Ordering Respondent to execute all necessary releases required by Petitioner to obtain any discovery allowed by the Texas Rules of Civil Procedure.
5. Ordering a pretrial conference to simplify the issues in this case and determine the stipulations of the parties and for any other matters the Court deems appropriate.

15. *Attorney's Fees, Expenses, Costs, and Interest*

It was necessary for Petitioner to secure the services of Andrew M. Lloyd, a licensed attorney, to prepare and prosecute this suit. To effect an equitable division of the estate of the parties and as a part of the division, judgment for attorney's fees, expenses, and costs through trial and appeal should be granted against Respondent and in favor of Petitioner for the use and benefit of Petitioner's attorney; or, in the alternative, Petitioner requests that reasonable attorney's fees, expenses, and costs through trial and appeal be taxed as costs and be ordered paid directly to Petitioner's attorney, who may enforce the order in the attorney's own name. Petitioner requests postjudgment interest as allowed by law.

16. *Prayer*

Petitioner prays that citation and notice issue as required by law and that the Court grant a divorce and all other relief requested in this petition.

Petitioner prays that the Court, after notice and hearing, grant a temporary injunction enjoining Respondent, in conformity with the allegations of this petition, from the acts set forth above while this case is pending.

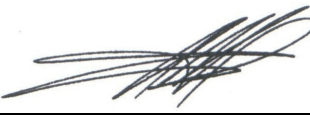
Petitioner prays for attorney's fees, expenses, and costs as requested above.

Petitioner prays for general relief.

Respectfully submitted,

LLOYD & ASSOCIATES, PLLC
1512 E. McKinney St. Suite 201
Denton, Texas 76209
Tel: 940.381.2600
Fax: 866.701.0339

By: _____


Andrew M. Lloyd
State Bar No. 24039019
andrew@LloydCounsel.com
Attorney for Petitioner

**WISE COUNTY STANDING ORDER REGARDING
CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES**

No party to this lawsuit has requested this order. Rather, this order is a standing order of the Wise County District Court that applies in every divorce suit and every suit affecting the parent-child relationship filed in Wise County. The District Court of Wise County has adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending before the Court. Therefore, **IT IS ORDERED:**

1. **NO DISRUPTION OF CHILDREN.** Both parties are ORDERED to refrain from doing the following acts concerning any children who are subjects of this cause:

1.1 Removing the children from the State of Texas, acting directly or in concert with others, without the written agreement of both parties or an order of this Court.

1.2 Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled, without the written agreement of both parties or an order of this Court.

1.3 Hiding or secreting the children from the other parent or changing the children's current place of abode, without the written agreement of both parents or an order of this Court.

1.4 Disturbing the peace of the children.

1.5 Making disparaging remarks about each other or the other person's family members, to include but not be limited to the child's grandparents, aunts, uncles, or stepparents.

1.6 Discussing with the children, or with any other person in the presence of the children, any litigation related to the children or the other party.

1.7 If this is an original divorce action, allowing anyone with whom the party is romantically involved, to remain overnight in the home while in possession of the children. Overnight is defined from 10:00 p.m. until 7:00 a.m.

2. **CONDUCT OF THE PARTIES DURING THE CASE.** Both parties are ORDERED to refrain from doing the following acts:

2.1 Using vulgar, profane, obscene, or indecent language, or a coarse or offensive manner to communicate with the other party, whether in person, by telephone, or in writing.

2.2 Threatening the other party in person, by telephone or in writing to take unlawful action against any person.

2.3 Placing one or more telephone calls, at an unreasonable hour, in an offensive or repetitious manner, without a legitimate purpose of communication, or anonymously.

2.4 Opening or diverting mail addressed to the other party.

3. **PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from the following acts:

3.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.

3.2 Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any property of one or both of the parties.

3.3 Damaging or destroying the tangible property of one or both of the parties, including any document that represents or embodies anything of value.

3.4 Tampering with the tangible property of one or both of the parties, including any document that represents or embodies anything of value, and causing pecuniary loss to the other party.

3.5 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, whether personal property or real estate property, and whether separate or community, except as specifically authorized by this order.

3.6 Incurring any indebtedness, other than legal expense in connection with this suit, except as specifically authorized by this order.

3.7 Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.

3.8 Spending any sum of cash in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.

3.9 Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account, except as specifically authorized by this order.

3.10 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.

3.11 Taking any action to terminate or limit credit or charge cards in the name of the other party.

3.12 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.

3.13 Discontinuing or altering the withholding for federal income taxes on wage or salary while this suit is pending.

3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual services, such as security, pest control, landscaping or yard maintenance at the other party's residence or in any manner attempting to withdraw any deposits for service in connection with such services.

3.15 Intercepting or recording the other party's electronic communications.

4. **PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

4.1 Concealing or destroying any family records, property records, financial records, business records or any records of income, debts, or other obligations.

4.2 Falsifying any writing or record relating to the property of either party.

4.3 "Records" include e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.

5. **INSURANCE IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

5.1 Withdrawing or borrowing in any manner all or any part of the case surrender value of life insurance policies on the life of either party, except as specifically authorized by this order.

5.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' children.

5.3 Canceling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property of persons including the parties' minor children.

6. **SPECIFIC AUTHORIZATIONS IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are specifically authorized to do the following:

6.1 To engage in acts reasonable and necessary to the conduct of that party's usual business and occupation.

6.2 To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

6.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses commensurate with such expenditures and indebtedness incurred for the past six months.

6.4 To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

7. **SERVICE AND APPLICATION OF THIS ORDER.**

7.1 The Petitioner shall attach a copy of this order to the original petition and to each copy of this petition. At the time the petition is filed, if the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented.

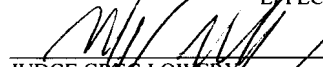
7.2 This order is effective upon the filing of the original petition and shall remain in full force and effect as a temporary restraining order for fourteen days after the date of the filing of the original petition. If no party contests this order by presenting evidence at a hearing on or before fourteen days after the day of the filing of the original petition, this order shall continue in full force and effect as a temporary injunction until further order of this Court. This entire order will terminate and will no longer be effective when the Court signs a final order or the case is dismissed.

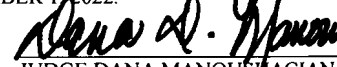
8. **EFFECT OF OTHER COURT ORDERS.** If any part of this order is different from any part of a protective order that has already been entered or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order remains in full force and effect until the Court signs a final decree.

9. **PARTIES ENCOURAGED/ORDERED TO MEDIATE.** The parties are encouraged to settle their disputes amicably without court intervention. In the event the parties are unable to settle their disputes, they are hereby ORDERED to use alternative dispute resolution methods, such as mediation, to settle those items that cannot be agreed to before setting a hearing on temporary orders or final orders.

THIS WISE COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON SEPTEMBER 1, 2022.


JUDGE BROCK R. SMITH
271ST JUDICIAL DISTRICT COURT
JACK AND WISE COUNTIES


JUDGE GREG LOWERY
WISE COUNTY
COUNTY COURT AT LAW NO. 1


JUDGE DANA MANOUSHAGIAN
WISE COUNTY
COUNTY COURT AT LAW NO. 2

Automated Certificate of eService

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Jennifer Johnson on behalf of Andrew Lloyd

Bar No. 24039019

jennifer@lloyd counsel.com

Envelope ID: 91919250

Filing Code Description: Original Petition For Divorce (Oca)

Filing Description: Original Petition for Divorce

Status as of 9/12/2024 12:50 PM CST

Associated Case Party: CHRISTOPHER MCCARTHY

Name	BarNumber	Email	TimestampSubmitted	Status
Andrew Lloyd		andrew@lloyd counsel.com	9/11/2024 4:28:18 PM	SENT